

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Chelsea D. Boykin,
Plaintiff,
v.
Wells Fargo Bank N.A.,
Defendant.

Case No. 3:18-599-TLW

Order

Plaintiff Chelsea D. Boykin, proceeding *pro se*, filed this action seeking relief under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e, et seq.; the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, et seq.; and the Equal Pay Act of 1963, 29 U.S.C. § 206(d). ECF No. 1. The matter now comes before the Court for review of a Report and Recommendation (R&R) filed on January 31, 2019, by Magistrate Judge Gossett, to whom this case was assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), DSC. ECF No. 59. In the R&R, the Magistrate Judge recommends dismissing Plaintiff’s case with prejudice for failure to prosecute. *Id.* The R&R explains that Plaintiff did not respond to Defendant’s motion to dismiss, the Court’s *Roseboro* order, or an additional order warning Plaintiff that her case could be dismissed with prejudice if she did not respond. *Id.* Objections to the R&R were due February 14, 2019, but Plaintiff did not file objections. This matter is now ripe for decision.

In reviewing the R&R, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to

those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has carefully reviewed the R&R in this case. Noting that Plaintiff filed no objections, the R&R, ECF No. 59, is hereby **ACCEPTED**. Therefore, for the reasons articulated by the Magistrate Judge, Plaintiff's case is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/Terry L. Wooten

Terry L. Wooten

Senior United States District Judge

March 29, 2019
Columbia, South Carolina